

REMARKS

Reconsideration and allowance are respectfully requested in light of the above amendments and the following remarks.

The specification has been amended for clarity. No new matter is introduced by this amendment.

Claims 1-5 and 7-14 have been amended for clarity and claims 15-20 newly added. The amendments to claims 1-5 and 7-14 have not narrowed these claims; therefore, no estoppel is deemed attachable thereto. Support for the features recited in new claims 15-20 is provided by the original claims, Figs. 2 and 4, and the specification on page 6, line 6, through page 7, line 17, and page 9, line 9, through page 10, line 9.

Claim 1 was rejected under 35 USC §112, first paragraph, for being non-enabling to one of ordinary skill in the art.

Applicant respectfully traverses this rejection.

The Office Action proposes that, in view of the disclosure, one skilled in the art could not make and use the invention due to the lack of details as to how the disclosed video switching apparatus discriminates whether the recording/reproducing apparatus is in a recording mode or a reproducing mode of operation (Office Action page 2, first sentence of penultimate paragraph). In support of this conclusion, the Office Action paraphrases three sentences from Applicant's disclosure and

states the following with regard to the cited portion - The lacking details of continuously coinciding with set bit by a "few fields" does not allow examiner to understand how the bit signal is compared to determine reproduction or recording mode and thereby ultimately determining the position of the video switch (paragraph bridging pages 2 and 3). Applicant disagrees with this characterization of the disclosure and the inferences drawn therefrom.

The portion of Applicant's disclosure paraphrased in the Office Action states the following.

When the bit signal is detected, the detected bit signal is compared with the multiplexed bit signal (multiplexed by synthesizing portion 111) (that is, they are compared by CPU 115) (step 2). When the bit signal cannot be detected or when the detected bit signal and the set bit signal continuously coincide by a length of a few fields, the video switching apparatus is set to the recording mode (by using CPU 115, video input selecting portion 102, etc.) (steps 3 and 5). When the detected bit signal and the set bit signal do not coincide, the video switching apparatus 1011 is set to the reproducing mode (sets 3 and 4). (Original unamended form).

Applicant submits that, even when isolated from the context of the entire disclosure, the above quoted portion provides sufficient detail to enable one skilled in the art to determine how the two sets of bit signals are compared so as to distinguish the recording/reproducing apparatus' reproduction mode of operation from its recording mode. And once the mode of

operation is identified, this mode necessarily identifies "the position of the video switch." Although the proper test for determining enablement requires that the claims be read by one of ordinary skill in the art in light of the entire disclosure, the following discussion describes how the isolated portion of the disclosure, quoted above, alone is adequate to enable a skilled artisan to accomplish the comparison and determination operations that are proposed to be indiscernible from the disclosure.

The first sentence quoted above states - When the bit signal is detected, the detected bit signal is compared with the multiplexed bit signal. To one of ordinary skill in the art, the essence of this sentence is the following. When a first signal is detected, this first signal is compared with a second signal. One of ordinary skill in the art would readily recognize that an attempt to detect a first signal is being made. And if the first signal is detected, it will be compared to a second signal. One of ordinary skill in the art knows how to compare two signals.

The second sentence quoted above states - When the bit signal cannot be detected or when the detected bit signal and the set bit signal continuously coincide by a length of a few fields, the video switching apparatus is set to the recording mode. Since the skilled artisan realizes from the first sentence that an attempt to detect the first signal is made, it necessarily

follows that the attempt may succeed or it may fail. The second sentence conveys to the skilled artisan that if the attempt fails, the video switching apparatus is set to the recording mode.

On the other hand, if the attempt to detect the first signal succeeds, the first sentence conveys to the skilled artisan that this signal is compared to a second signal. The second sentence quoted above states that if the comparison of the first and second signals reveals they "continuously coincide" by a length of a few fields, the video switching apparatus is set to the recording mode for this situation, also. As defined by the American Heritage College Dictionary, Fourth Edition, 2002, the word "coincide" means "to correspond exactly" or to "be identical." As a result, the second sentence generally conveys to a skilled artisan that if two signals have identical values over a continuous comparison interval, preferably defined by the period for communicating a few fields of information, then the video switching apparatus is set to the recording mode.

The third sentence quoted above states - When the detected bit signal and the set bit signal do not coincide, the video switching apparatus 1011 is set to the reproducing mode. Based upon the ordinary meaning of the word "coincide," as provided above, this third sentence conveys to the skilled artisan that

the video switching apparatus is set to its reproducing mode when the comparison of the two signals reveals that they are not identical.

In summary, one of ordinary skill in the art would understand the three sentences quoted above to have the following general meaning. An attempt is made to detect a first signal. If the first signal is not detected, a video switching apparatus is set to its recording mode of operation. On the other hand, if the first signal is detected, it will be compared to a second signal. If the comparison reveals that the two signals are identical, then the video switching device is set to the recording mode for this situation too. However, if the comparison reveals that the signals are different, the video switching apparatus is set to its reproducing mode of operation.

Regardless of whether the signal to be detected and compared is called a first signal or a bit signal, Applicant's disclosure readily enables one of ordinary skill in the art to "understand how the bit signal is compared to determine reproduction or recording mode and thereby ultimately determining the position of the video switch." This fact becomes all the more apparent when the three sentences quoted above are read in light of the entire disclosure and with reference to the drawings. For instance, Fig. 5 and its accompanying description in the specification

provide a very specific example of a circuit that performs the signal comparison operation. One of ordinary skill in the art would have been capable of making and using the circuit illustrated in Fig. 5 at the time of the invention.

Since the only basis provided in the Office Action for supporting the conclusion of non-enablement is the proposed lack of details, giving rise to the lack of understanding, as to how the bit signal is compared for determining the video switching apparatus' mode of operation, Applicant submits that the above-provided discussion removes this basis as an obstacle to the allowance of claim 1.

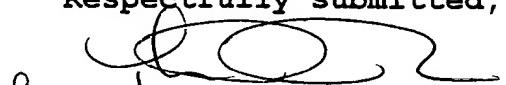
Accordingly, Applicant respectfully submits that the subject matter defined by claim 1 satisfies the enablement requirement set forth by 35 USC §112, first paragraph. Therefore, allowance of claim 1 and all claims dependent therefrom is warranted.

The subject matter of independent claim 15, in light of the disclosure, is similarly enabling to one of ordinary skill in the art. Therefore, allowance of claim 15 and all claims dependent therefrom is warranted.

In view of the above, it is submitted that this application is in condition for allowance and a notice to that effect is respectfully solicited.

If any issues remain which may best be resolved through a telephone communication, the Examiner is requested to telephone the undersigned at the local Washington, D.C. telephone number listed below.

Respectfully submitted,

  
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